

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
AUGUST 7, 1963

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, August 7, 1963. Councilmen Brown, Culbertson, Dow, Ullmann and Katzakian (Mayor) present. None absent.

Also present: City Manager Graves, Administrative Assistant Carlton and City Attorney Mullen.

MINUTES Minutes of July 17, 1963 were approved as written and mailed on motion of Councilman Brown, Ullmann second.

PUBLIC HEARINGS

J.P. WRIGHT Notice thereof having been published in accordance with law, Mayor Katzakian opened the public hearing on the appeal of Mr. J. P. Wright from the decision of the Planning Commission which denied his request for a variance to permit a detached accessory building to occupy more than 30 percent of the required rear yard at 901 Mariposa Way in the R-2 residential zone. City Manager Graves read the report from the Planning Commission a majority of which found that there was no unusual hardship inherent in this property which is not shared by many of the other lots in the same block and throughout the City. The Planning Commission had suggested several other locations for the accessory building and also suggested purchase of additional land to the north as a possible solution. A letter was read from 16 neighbors of Mr. Wright stating that they have no objections to the proposed building. Mr. Wright said that the locations suggested by the Planning Commission were either impractical or too costly and that the property owner to the north was unwilling to sell any of his property. Councilman Brown asked if the building would be used for business or a hobby. Mr. Wright answered that the accessory building would not be used for business, but for hobbies only. Mayor Katzakian, having looked at the site, asked if the City had an easement over this property since power lines were extended over the property. Mr. Graves reported that the City did not have an easement over the Wright property, but that it was a prescriptive right. He sketched a diagram on the blackboard showing the relation of lots in the vicinity and the location of City poles and easements. Councilman Culbertson said that in a sense hardship could be shown because of the odd shaped property. Mayor Katzakian felt that granting of a variance would be setting a precedent and open the door to similar requests and further, that hardship had not been shown. Councilman Culbertson said that this situation was unique because of the shallowness of the lot. Councilman Dow said that the ordinance should not be applied too strictly and that this was a peculiar situation due to the nature of the lot. He felt that the ordinance made provisions for adjustments and that there was hardship to some degree. In his opinion, a precedent would not be set because the request was being considered on an individual basis. Councilman Dow moved that the appeal of Mr. Wright from

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the decision of the Planning Commission in denying his request for a variance to construct an accessory building within the rear yard area be approved thereby reversing the decision of the Planning Commission. The motion was seconded by Councilman Culbertson and carried, with Mayor Katzakian voting no.

ZONING
AMENDMENT -
TRANSITIONAL
USES

Notice thereof having been published in accordance with law, the Mayor called for hearing on the proposed amendment to the zoning ordinance which would permit the establishment of certain professional offices in the R-3 and R-4 residential zones subject to certain conditions so as to permit a limited non-residential use in those homes which are located adjacent to or across the street from commercially zoned properties. Mr. Graves read the report from the Planning Commission which recommended the proposal which would permit professional offices in such areas under the following conditions:

1. The office must be located within a residential building.
2. The office use may not occupy more than 30 per cent of the ground floor area of said building.
3. The residence of the professional person must be located within the building.
4. Only one office may be permitted on any one lot with only one employee permitted in addition to the professional person.
5. No display of goods or other advertising may be permitted except for one home-occupation-type sign.
6. Issuance of a use permit by the Planning Commission.

The City Clerk read three letters opposing the amendment. The first was from Mr. Robert H. Rinn, 228 W. Pine Street, objecting to the amendment as being an attempt to solve the problem of Mr. William Rempfer who has property on Lodi Avenue which he wishes to use as a real estate office, stating that the Council should not succumb to harassment, and further that such an amendment would be a step toward commercial usage on the north side of Lodi Avenue to the detriment of the area. The second letter was from Mr. and Mrs. Adelbert Gillispie, 224 S. Avena Avenue, objecting on the grounds that such an amendment would encourage further demands for commercial use, that it represents strip and spot zoning and that it will inevitably lower the value of adjoining residences. The third was signed by approximately 80 persons representing 50 residents in the area between Lodi Avenue and Walnut Street and expressed their opposition to the proposal because it will set up strip and spot zoning and because Lodi Avenue should remain as a buffer zone to act as a barrier between the commercial area on the south and the residential area to the north. Mr. Dick Colvin, 225 South Crescent Avenue, said the amendment would allow the encroachment of commercial

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uses into residential areas and the street should be used as the buffer zone. Mr. Malen Stroh, 222 South Crescent, said that the residents on the north side of Lodi Avenue do not want the amendment, that it was an attempt to compromise and that the best solution was to say no. City Manager Graves said that the thinking of the Planning Commission was that such permitted uses in a residential area would not be a nuisance and would help property owners having problems. Mayor Katzakian stated that doctors' offices had recently been changed to the C-P zone and he could see no reason why they should be permitted in residential areas; furthermore, according to the City's traffic pattern, the City would have to use Lodi Avenue as a major street for moving traffic and strip zoning hindered traffic. He said the lots on the north side of Lodi Avenue are shallow, but on the south side the lots are deep so that there is room for off-street parking. Councilman Dow did not think that the amendment would accomplish anything and that it was too restricted to provide for a transitional zone to alleviate hardship. Mr. Graves said it would be suitable for accountants or real estate and that the requirements would serve to retain the residential nature of the neighborhood. Councilman Culbertson said that C-P zoning provided for transitional uses and that it was all right to have transitional uses next to commercial uses but not across the street adjacent to residential areas. Councilman Dow, stating that the proposed amendment was too restrictive to be of value and failed to fill the gap between C-P and R-4 zoning, moved that it be referred back to the Planning Commission and that the hearing be continued to September 4. His motion died for lack of a second. Councilman Culbertson moved that the proposed amendment to the zoning ordinance which would allow certain professional offices in the R-3 and R-4 residential zones under certain conditions be rejected. The motion was seconded by Mayor Katzakian and carried with Councilman Ullmann voting no.

FREEWAY ADVERTISING

Consideration of the Freeway Advertising Ordinance had been continued from the meeting of July 17 in order to get the opinion of the State Division of Highways on a directional sign for Wine Growers' Guild hospitality room. However, since word has not been received from this agency, it was moved by Councilman Dow, Culbertson second, that hearing on this ordinance be continued to the meeting of August 21, 1963.

PLANNING COMMISSION

ACTIONS

The following actions of the Planning Commission were reported:

1. Denied the request of the Josephine Balliet Estate for a change of zoning from the R-4 multiple family residential zone to the C-2 general commercial zone for property located at 536 East Tokay Street.

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2. Recommended denial of the request of Mr. Peter Marshall for a change of County zoning from the RA-15 residential zone and the EA-5 agricultural zone to the R-4 multiple family residential zone for a five-acre parcel located along the south side of Woodbridge Road and 1100 feet west of Lower Sacramento Road.

NORTHRIDGE
ADDN ZONING

The Planning Commission recommended that the property located within the Northridge Addition be annexed to the City of Lodi with "M" industrial zoning since it is being used for industrial purposes and is so designated in the Lodi General Plan.

COMMUNICATIONS

GIFT FROM
KOFU

A letter was read from Mayor Keijiro Takano of Kofu informing Mayor Katsakian that a Japanese pagoda made of stone from the hills of Kofu was being presented to the City of Lodi and was scheduled to arrive in San Francisco on August 12 via NYK "Saitama-Maru" from Stockton's sister-city, Shimizu. Mayor Katsakian expressed the City's pleasure of receiving such a beautiful gift and said arrangements were being made to erect it in the Japanese Garden in Micke Grove.

AMERICAN
LEGION
INSTALLATION

An invitation was read from Lodi Post No. 22, The American Legion, inviting the Council to the installation of officers which will be held Thursday, August 15, at 8 p.m.

E. WISE CLAIM
FOR DAMAGES

A claim for damages was presented from Ester Wise for a total amount of \$4,000. The claim was rejected and referred to the City's Agent of Record on motion of Councilman Culbertson, Brown second.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$143,616.86 were approved on motion of Councilman Brown, Ullmann second.

AWARD -
LAKEWOOD SCH.
STORM DRAIN

The following bids had been received on the Lakewood School Storm Drain:

RES. NO. 2643
ADOPTED

S. M. McGaw Co.	\$3400.00
A. Teichert & Son	3346.00
C. C. Wood Co.	3160.00
R. Goold & Son	2922.70
Kenneth J. Reitz, Inc.	2883.50
Wm. Burkhardt	2787.50
Parrish, Inc.	2280.00

The Engineer's estimate for the job was \$2591.50. City Manager Graves recommended that award be made to the low bidder, Parrish, Inc. Councilman Dow moved the adoption of Resolution No. 2643 awarding the contract for the Lakewood School Storm Drain to Parrish, Inc. for a total of \$2280. The motion was seconded by Councilman Culbertson and carried unanimously.

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AWARD - The tabulation of bids received on the Benson
 BENSON DRIVE Drive-Lodi Ave. Sanitary Sewer totalled as follows:
 LODI AVE.
 SANITARY SEWER

	R. Goold & Son	\$3067.70
	S. M. McGaw Co.	2880.00
RES. NO. 2644	C. C. Wood Co.	2830.00
ADOPTED	Wm. Burkhardt	2629.00
	A. Teichert & Son	2452.50
	Parrish, Inc.	2250.00
	Kenneth J. Reitz, Inc.	2138.50

The City Engineer's estimate on this job was \$2864. Mr. Graves recommended that award be made to the low bidder. On motion of Councilman Brown, Dow second, the City Council adopted Resolution No. 2644 awarding the contract for the Benson Drive-Lodi Avenue Sanitary Sewer to the low bidder, Kenneth J. Reitz, Inc., for a total of \$2138.50.

AWARD - Tabulation of bids on the Erich Park Utilities
 ERICH PARK totalled as follows:
 UTILITIES

	R. C. Wise	\$48,870.00
RES. NO. 2645	R. Goold & Son	35,734.75
ADOPTED	Sterling Irrigation Const.	31,200.00
	Tompkins & Gallaven	27,126.20
	Parrish, Inc.	24,071.75
	A. Teichert & Son	22,163.50

The low bid is \$2793.25 more than the Engineer's estimate of doing the work by City crews. This additional amount has been covered by a check from Capell and Houston in conformance with their agreement. Therefore the City Manager recommended that award be made to the low bidder. On motion of Councilman Culbertson, Ullmann second, the City Council adopted Resolution No. 2645 awarding the contract for Erich Park Utilities to A. Teichert & Son for a total of \$22,163.50.

PREVAILING The Council adopted the prevailing wage rates for
 WAGES building and construction trades in this area by
 RES. NO. 2646 the adoption of Resolution No. 2646 on motion of
 ADOPTED Councilman Culbertson, Dow second.

WITHDRAW Annexation of the River Addition having been
 RIVER ADDN completed, it was moved by Councilman Brown, Dow
 FROM WRCFPD second, that the Addition be withdrawn from the
 RES. NO. 2647 Woodbridge Rural County Fire Protection District
 ADOPTED by the adoption of Resolution No. 2647. Motion carried.

SPECS - Specifications on the radio alerting system for
 RADIO the Fire Department were presented for Council
 ALERTING consideration. Councilman Brown moved that the
 SYSTEM specifications be approved and call for bids authorized. The motion was seconded by Councilman Ullmann and carried.

ADDITIONS TO City Manager Graves presented a list of streets
 MAJOR STREET for inclusion in the Major Street System as
 SYSTEM recommended by the Engineering Department. On
 RES. NO. 2648 motion of Councilman Dow, Brown second, the City
 ADOPTED Council adopted Resolution No. 2648 selecting
 certain streets for inclusion in the Major Street System, subject to approval of the State Division of Highways.

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WESTERN CITY AD City Manager Graves said that the City had been invited to publish an advertisement of the City in the September issue of the "Western City" magazine, the price for a full page being \$385. Councilman Brown moved that the City not put an advertisement in the "Western City" at this time. The motion was seconded by Councilman Ullmann and carried.

FRANK CARLTON Mr. Graves then announced that Frank Carlton had accepted a position as Assistant City Manager for the City of Milpitas. He expressed his regrets at losing the services of Mr. Carlton, but said it was a step forward for Mr. Carlton and would offer him more challenges than his job in Lodi and he wished him success. Members of the Council congratulated Mr. Carlton on his new position and for having done a fine job in Lodi.

ORDINANCES

ANNEX NORTHBRIDGE ADDITION ORD. NO. 757 ADOPTED Ordinance No. 757, entitled "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY, DESIGNATED 'NORTHBRIDGE ADDITION' TO THE CITY OF LODI," having been introduced at the regular meeting of July 17, 1963, was brought up for passage on motion of Councilman Brown, Dow second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - BROWN, CULBERTSON, DOW, ULLMANN and KATZAKIAN

NOES: Councilmen - NONE

ABSENT: Councilmen - NONE

BALLIET HOUSE Councilman Brown expressed concern over the condition of the Balliet house at Cherokee Lane and Tokay Street. He said that it should be torn down before someone got hurt. Mr. Graves said he would refer the matter to the Building Department.

ATTORNEY FOR DOYLE R/W CONDEMNATION PROCEEDINGS City Attorney Mullen requested that the Council retain Attorney David T. Hayden as special counsel on the action to condemn the Doyle property. Mr. Hayden has represented the State in condemnation proceedings and so is experienced in this field. The cost would be \$175 per day for preparation and \$200 per day during the trial. He recommended that Mr. Hayden be retained since condemnation is a special field and further, Mr. Doyle has been a client of Mr. Mullen's for many years so conflict of interest might be charged if Mr. Mullen handled the case. On motion of Councilman Culbertson, Dow second, the Council approved retaining Mr. Hayden as special counsel on the proceedings to acquire the Doyle property for the Ham Lane right of way.

There being no further business, the Council adjourned.

Beatrice Garibaldi
Attest: BEATRICE GARIBALDI
City Clerk